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Atty. Dkt. No. 078743-2002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Michael Kendall

Title: DEVICES FOR SUSPENDING A
FOOT WITHIN A SHOE AND
SHOES INCORPORATING SUCH
DEVICES

Appl. No.: 10/634,267

Filing Date: 08/04/2003

Examiner: Marie Patterson

Art Unit: 3728

CERTIFICATE OF FACSIMILE TRANSMISSION I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below. Michelle Sympton (Printed Name) <i>Michelle Sympton</i> (Signature) October 29, 2004 (Date of Deposit)
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RESPONSE TO RESTRICTION REQUIREMENTMail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is submitted in response to the restriction requirement set forth in the Office Action mailed April 29, 2004. A five month extension of time to make this response timely is hereby requested, the fee for which may be drawn by the Commissioner from Deposit Account 50-0872.

The Examiner has required restriction between four species of scaffolding in the claimed invention as depicted in Figs. 1 and 2, Fig. 3, Fig. 7 and Fig. 13. The Examiner has further required restriction between three species of means for attaching a lattice to the scaffolding as represented in Fig. 2, Fig. 5 and Fig. 6. The various species are believed by the Examiner to represent species subject to separate examination for purposes of prosecution.

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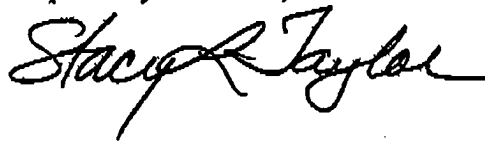
With respect to the scaffolding species identified in the Office Action, Applicant hereby elects the scaffolding species of Figs. 1 and 2, without traverse.

However, with respect to the species of attachment means identified in the Office Action, Applicant notes that Fig. 2 is generic to a variety of means for attaching the lattice to the underlying scaffold (see, e.g., Specification at page 21, lines 5-10). The drawing represents the relative position of the lattice with respect to the scaffolding, but not a particular means for attaching the two components. As such, Applicant respectfully submits that Fig. 2 does not represent a single species of attachment means, but rather multiple attachment means. Therefore, Applicant's election of the species of Fig. 2 is based on the understanding that the drawing does not represent a single species of attachment means and, should the Examiner disagree with this interpretation, is further made with traverse.

Generic claims may later be allowed that encompass more than one such species. As such, the election made herein is without prejudice to the granting of claims which encompass more than the single species elected for examination purposes.

On receipt of this response to the outstanding restriction requirement, favorable action on the merits of the claims is respectfully requested.

Respectfully submitted,

Date October 29, 2004

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By _____

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